

Notice of Allowability

Application No.

10/648,179

Examiner

Juan C. Ochoa

Applicant(s)

DIAO ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/19/07.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. The appeal brief filed 4/19/07 has been received and considered. Claims 1–33 are presented for examination.

Allowable Subject Matter

1. Claims 1–33 are allowed over prior art of record.
2. The following is an examiner's statement of reasons for allowance:
3. While Al-Hilali et al., U.S. Patent 6,086,618, discloses associating a resource abstract model with the resource (see Fig. 4, #102 and "transactions" in col. 10, lines 11–14) and constructing the model representative of the resource based on reduced the set of resource metrics obtained in accordance with the resource abstract model (see Fig. 4, #106, 108, and 110),
and Robert J. Jannarone, U.S. Patent 6,216,119, discloses a method wherein the resource abstract model is configured to automatically determine a set of resource metrics (see col. 3, lines 21–34 and col. 4, lines 22–32),
and Hayball et al., U.S. Patent 6,959,335, discloses Hayball a method wherein the constructed model is useable for reporting one or more service level metrics (see "policing" in col. 7, lines 34–37) and generating one or more notifications related to automated service level enforcement (see col. 24, lines 45–53),
None of these references taken either alone or in combination with the prior art of record discloses constructing a model representative of a resource or providing resource management services specifically including:

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claim 1, "a resource abstract model configured to automatically determine a set of resource metrics to be used to construct a model representative of the resource such that a reduced set of resource metrics is considered",

claims 11 and 20, "automatically determining, via a resource abstract model, a set of resource metrics to be used to construct a model representative of the resource such that a reduced set of resource metrics is considered",

and claim 27, "each of the one or more resource abstract models is configured to automatically determine a set of resource metrics to be used to construct a model representative of the resource such that a reduced set of resource metrics is considered",

as a whole, in combination with the remaining elements and features of the claimed invention.

4. Also, there is no motivation to combine these references to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

2. Applicant's arguments filed 4/19/07 have been fully considered, and they are persuasive.

3. Regarding the rejections under 103, Applicant's arguments have been considered and the rejections are withdrawn.

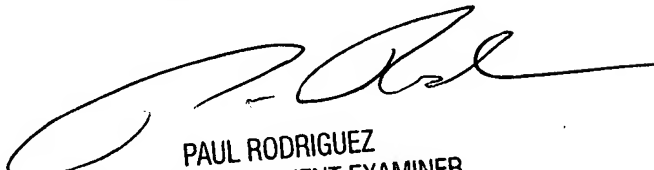
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan C. Ochoa whose telephone number is (571) 272-2625. The examiner can normally be reached on 7:30AM - 4:00 PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on (571) 272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*** JP 8/16/07


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